



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/447,490	11/23/99	ECKARDT	R 0691-018A/GP

HM22/0510
SCHWEITZER CORNMAN GROSS & BONDELL LLP
230 PARK AVENUE
SUITE 2200
NEW YORK NY 10169

EXAMINER

MCKENZIE, T

ART UNIT	PAPER NUMBER
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1624

DATE MAILED: 05/10/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.

09/447,490

Examiner

Thomas McKenzie Ph. D.

Applicant(s)

ECKARDT ET AL.

Art Unit

1624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 March 2000 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either a timely filed amendment which places the application in condition for allowance or a Notice of Appeal. Alternatively, applicant may obtain further examination by timely filing a request for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d).

PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 707.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136 (a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked.

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search. (see NOTE below);
- (b) ☐ they raise the issue of new matter. (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

4. ☒ Applicant's reply has overcome the following rejection(s): 112 2nd paragraph rejection of claim 8.
5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached memo.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: _____
- Claim(s) objected to: _____
- Claim(s) rejected: 2-8.
- Claim(s) withdrawn from consideration: _____
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
11. ☐ Other: _____

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1. The traverse of the description rejection is unpersuasive. The wording did not have aqueous acid mixed with alcohol. The "within alcohol" language in the original claim is garbled but would possibly be understood as either:

- a) an alternative to "in acetic acid" or "aqueous acetic acid with water" i.e. sets forth three choices one of which is just alcohol or less likely
- b) "in acetic acid with[in] alcohol" i.e. conveys a mixture of acetic acid with alcohol.

The claim would not be read as aqueous acetic acid plus alcohol.

2. It appears that an impasse has been reached on the art rejection. The examiner stands on the quotation "acetic acid as sole acidic reagent". The remarks about "acidic accelerant" are unclear as such a phrase does not appear in the reference.

3. Please direct any inquiry concerning this communication or earlier communications from the examiner to Thomas C. McKenzie, Ph. D. whose telephone number is (703) 308-9806. The examiner can normally be reached on 8:30 to 5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund J. Shah can be reached on (703) 308-4716. The fax number for the organization where this application is assigned is (703) 308-4556 for regular communications. Please direct any inquiry of a general nature or any inquiry relating to the status of this application to the receptionist whose telephone number is (703) 308-1235.



TCMcK
May 8, 2000

MARK L. BERCH
PRIMARY EXAMINER
GROUP 120 - ART UNIT